

<b><u>No:</u></b>	<b>BH2021/00654</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Ground Floor Flat 14 Fourth Avenue Hove BN3 2PH</b>		
<b><u>Proposal:</u></b>	<b>Alteration and conversion of existing garage and kitchen, including single storey side linkway extension, installation of 3no rooflights, and associated alterations.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	25.02.2021
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	22.04.2021
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	Daintree Design Brighton BN1 1YR	Daintree Design Tower Point	44 North Road
<b>Applicant:</b>	Mr & Mrs Ferguson Ground Floor Flat 14 Fourth Avenue Hove BN3 2PH		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	D2028-150	-	25 February 2021
Proposed Drawing	D2028-250	-	25 February 2021
Proposed Drawing	D2028-251	A	6 April 2021
Proposed Drawing	D2028-252	A	6 April 2021
Proposed Drawing	D2028-350	B	12 April 2021
Proposed Drawing	D2028-450	A	6 April 2021

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The fenestration on the rear elevation hereby permitted shall have aluminium frames painted/coloured white.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. Prior to installation of the new fenestration on the principle elevation hereby permitted, full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. Prior to installation of the new link structure hereby permitted, full details of the proposed works, including 1:20 scale sample elevations and 1:1 scale joinery profiles shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised to contact [permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) if they wish to suspend parking outside the application site during the delivery and construction period.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site is a three-storey over basement historic building on the west side of Fourth Avenue within The Avenues conservation area.
- 2.2. Planning permission is sought for minor external alterations to replace an existing side garage with kitchen to the rear, with a workshop, kitchen and bathroom. The external works include front and rear fenestration changes, the installation of two roof lanterns and a rooflight, and the remodelling of a link structure leading from the garage to the main building.
- 2.3. The proposal has been amended during the lifetime of the application, removing a pitched roof-form and amending the proposed fenestration design.

## **3. STATEMENT OF SIGNIFICANCE**

- 3.1. Architecturally, the Avenues Conservation Area includes a variety of styles due to the changes in taste that took place during the slow pace of development. In general, the character and appearance of the area which it is important to preserve or enhance, is of 3 and 4-storey terraced or semi-detached properties, mostly yellow brick with slate roofs.
- 3.2. In Fourth Avenue, the northern part is predominantly red brick and tile with decorative white timber detailing; however the subject property, along with the southern part of the road, is yellow brick. Fancy brickwork, bays, balconies, and canopies feature strongly, and boundaries are marked by low walls, some with railings.
- 3.3. Number 14 is part of a group of villas (numbers 10 - 16), visually linked at ground floor level as pairs with narrow mono-pitched conservatory structures extending to the party boundaries, and originally more generous spacing between the two pairs, however this space has been significantly reduced between nos.12 and 14 by the 4 storey extension at no 12.

#### **4. RELEVANT HISTORY**

- 4.1. **3/84/0502** Conversion of basement flat to form one self-contained flat and one self-contained bedsit. approved

#### **5. CONSULTATIONS**

##### Conservation Advisory Group

- 5.1. [Expected prior to Committee - meeting to be held on 4th May]

##### Heritage

- 5.2. This application concerns the addition of a pitched roof and rooflights to the existing single storey garage and kitchen area behind (associated with the accommodation in the ground floor of the original villa), conversion of the garage to living accommodation, and construction of a new link to the main part of the flat closer to the front of the building.
- 5.3. The existing kitchen is in what appears to be an extension of the garage structure. This extends the ground floor well beyond the general alignment of the rear of this group of buildings.
- 5.4. A small number of properties in Fourth Avenue have garages, however they are not a typical feature of the street. Although clearly an intervention, at present the garage frontage has a low/moderate impact on the street scene from the road due to its scale and appearance.
- 5.5. It is not entirely clear how the proposed link will appear from the public realm - there is no detailed elevation of this, however the plan shows an aluminium-framed window to be proposed. Further information would therefore be necessary to provide a comment on this aspect.

- 5.6. It is considered that the proposal to add a steep pitched roof to the garage would significantly increase the prominence of this structure in the street scene. The added height increases the visibility of the structure and the proposed roof form would be an uncharacteristic feature compared to other single storey structures in the street.
- 5.7. The proposed four-leaf screen/door arrangement proposed for the workshop/studio would have proportions atypical of the road generally and would therefore have the potential to increase the impact of the structure in the street scene.

#### **Additional comments following amendments to the design**

- 5.8. Revised plans deleting the proposal for a pitched roof and adding roof lanterns for the provision of natural light resolves concerns regarding the added scale and prominence of the structure as originally submitted.
- 5.9. No additional information has been provided to assist assessment of the appearance of the link structure from positions where it will be visible. Details such as the window frame size and profiles, depth of reveal and render finish can be conditioned to ensure an acceptable appearance therefore unless this information is provided at this stage acceptable details can be secured from an approval of details application.
- 5.10. Revised drawing D2028-B has been submitted to better reflect the garage door appearance as advised, and subject to appropriate joinery details (can be conditioned) this is now considered acceptable.

#### Transport

- 5.11. No objection subject to cycle parking being secured by condition. The proposal is not considered likely to result in a significant increase in trip generation.

## **6. REPRESENTATIONS**

- 6.1. Nineteen letters have been received\*, objecting to the proposal on the following grounds:
- Loss of light/overshadowing from the proposed pitched roof-form\*\*
  - Loss of privacy due to the proposed rooflights\*\*
  - The pitched roof-form is not in keeping with the character of the conservation area\*\*
  - The rear windows are not in keeping with the character of the conservation area
  - The proposed link structure will result in the loss of a window
  - The proposal would infringe on 'Right to Light'
  - Disruption from construction work
  - The sectional drawing is misleading
- 6.2. One letter has been received, in support of the proposal on the following grounds:

- The existing garage is of no architectural merit
- The proposed pitched roof-form would be an improvement
- The proposed front doors would be an improvement
- The proposed link structure would enhance the connection between the garage structure and the main building

*\*It should be noted that of the objection letters received, only twelve are from addresses considered likely to be materially impacted upon by the proposed development.*

*\*\*The proposal has been amended since receipt of these letters of objection, removing these aspects of the development.*

## **7. MATERIAL CONSIDERATIONS**

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019);
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **8. RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP12	Urban design
CP15	Heritage

Brighton & Hove Local Plan (BHLP) (retained policies March 2016)

TR7	Safe development
TR14	Cycle access and parking
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two (CPP2)

Policies in the Proposed Submission City Plan Part Two do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM36	Parking and Servicing

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the development; the impact on the amenity of local residents; impacts on the significance of The Avenues conservation area; and road safety/highway capacity.

Design and Appearance

- 9.2. The proposed replacement doors fronting the streetscene would be similar in general appearance to the existing, and those on the adjacent property, and would be in keeping with the character of the streetscene. It is recommended that further details are secured by condition in order to ensure a satisfactory appearance.
- 9.3. The proposed link structure would be visible from certain angles from the public realm, but it is set midway down the length of the garage which would reduce its visual impact. It is recommended that further details are secured by condition in order to ensure a satisfactory appearance.
- 9.4. The proposed rooflights would be set back from the front of the garage and concealed to an acceptable degree by the existing parapet wall, so are considered acceptable in terms of design and appearance.
- 9.5. The changes to the rear of the property would involve only alterations to fenestration. The rear of the garage is clearly non-original, and the installation of

bi-folding doors is not considered to cause any additional harm to the character of the building or wider area.

- 9.6. Concerns have been raised that the link structure would result in the loss of a stained glass window. However, the agent has clarified that the windows that would be lost do not have stained glass. The window referred to in the objection would be unaffected by the proposed works.
- 9.7. The development is therefore considered acceptable in terms of its design and appearance.

#### Impact on Heritage Assets

- 9.8. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.9. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.10. Subject to further details on the front doors and link structure, which can be secured by condition, it is considered that the works would preserve the character and appearance of The Avenues conservation area. The elements of the scheme considered harmful have been removed at the request of the Local Planning Authority.

#### Impact on Amenity

- 9.11. The amended scheme would not result in any significant increase in the scale of the building and would not result in any loss of light or overshadowing for local residents. The bi-folding doors to the rear would not result in any increase in overlooking beyond that which is already possible from the rear garden.
- 9.12. Concerns have been raised that the proposal would impact on local neighbours' Right to Light. Notwithstanding the fact that the proposal, now amended, will not result in any additional overshadowing, a Right to Light is a civil matter and not a material planning consideration.
- 9.13. The development is therefore considered acceptable in terms of its impact on amenity.

#### Impact on the Road Safety/Highway Capacity

- 9.14. The proposal would result in the loss of a garage, but would retain a front driveway which would provide an off-street parking space. It is not considered that the proposal would lead to any harmful overspill parking onto the public highway since there would be no increase in occupancy of the building, and this could, at any rate, be managed through the existing Controlled Parking Zone.
- 9.15. The Highway Authority have requested secure cycle parking be secured by condition, but it is not considered that this would be reasonable given the scope of development.

Equalities

- 9.16. None identified

Other Considerations

- 9.17. Concerns have been raised regarding disturbance caused by the building works themselves. This has the potential to be inherent in all development and is not reason to warrant refusal of planning permission.
- 9.18. One letter of objection has asserted that the proposed sectional drawing is misleading and that local residents may not understand the difference between a sectional drawing and a standard elevational drawing. However, the drawing is considered to be accurate and clear.

Conclusion

- 9.19. The proposal has been amended during the lifetime of the application and has overcome initial concerns from the Local Planning Authority. The proposal would have an acceptable impact on the local area and the amenities of local residents. For these reasons the proposal is considered to be in accordance with policies QD5, QD14, QD27 and HE6 of the Brighton and Hove Local Plan; CP12 and CP15 of the City Plan Part One; and emerging policies DM20, DM21 and DM26 of the City Plan Part Two (which can all be given significant weight).